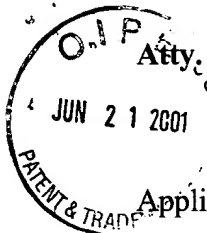


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#8



Atty. Docket No. 003184/0006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sheryl BEHAR, Carol LEWBELL-GRAY and Cheryl CUNHA

Serial No.: 09/469,993 Examiner : Not Yet Assigned

Filed: December 22, 1999 Art Unit : 2768

For: **METHOD AND SYSTEM FOR AWARDED REBATES BASED ON  
CREDIT CARD USAGE TO CREDIT CARD HOLDERS**

June 21, 2001

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)**

**BY EXPRESS MAIL:**

Commissioner for Patents

Box DAC

Washington, D.C. 20231

**BY FACSIMILE TRANSMISSION: (703) 308-6916**

**ATTN: WAN LAYMON, OFFICE OF PETITIONS**

This is in reply to Paper No. 7 (ON PETITION) mailed April 23, 2001 in the above-referenced patent application dismissing Applicants' Request for Reconsideration of Petition and Petition Under 37 CFR 1.47(a). Applicants respectfully request further reconsideration and approval of Applicants' Petition. A corrected Declaration, Power of Attorney and Petition accompanies this paper. This paper is being submitted within two (2) months after the mailing date of Paper No. 7.

**CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 1.10**

"Express Mail" mailing label number: EL827239312US

Date of Deposit: **June 21, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231, Box DAC.

Dawn Samaan  
(Typed or Printed Name)

Dawn Samaan 6-21-01  
(Signature) (Date of Signature)

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**JUN 26 2001**

**OFFICE OF PETITIONS**

## REMARKS

Applicants' Request for Reconsideration of Petition filed March 22, 2001 and Petition under 37 CFR 1.47(a) filed July 11, 2000 have been dismissed (a copy of Paper No. 7 ON PETITION is attached for the Petition Examiner's ready reference). The Petitions Examiner found the Declaration submitted on July 11, 2000 to be unacceptable because the address of the non-signing inventor set forth therein does not correspond to the last known address of the non-signing inventor set forth in Applicant's Petitions.

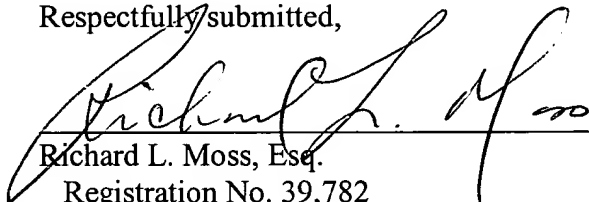
A corrected Declaration, Power of Attorney and Petition which sets forth the last known address of the non-signing inventor (as set forth in Applicant's Petition) in compliance with 37 CFR 1.63 and 1.64 is enclosed. Applicants note that the Added Page to Declaration, Power of Attorney and Petition submitted with the Declaration on July 11, 2000, properly sets forth the non-signing inventor's last known address.

Applicants respectfully submit that all requirements for a grantable petition under 37 CFR 1.47(a) have now been satisfied. Favorable reconsideration and the early granting of Applicants' Petition is earnestly solicited.

The Petitions Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below if it will advance the granting of Applicants' Petition.

No fee is believed due with this paper. Please charge any fee deficiency and credit any overcharges to the undersigned attorney's Deposit Account No. 50-0540.

Respectfully submitted,

  
Richard L. Moss, Esq.

Registration No. 39,782

Attorney for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

919 Third Avenue

New York, New York 10022

Tel. (212) 715-9100

Fax (212) 715-8000

## DECLARATION, POWER OF ATTORNEY AND PETITION

As a below named inventor, I hereby declare that:

My residence, citizenship and post office address are as stated below next to my name and signature.

This declaration is of the following type: (check one) ☒ original; ☐ design; ☐ supplemental; ☐ national stage of PCT or ☐ continuing (divisional or continuation) or continuation-in-part.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if multiple names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND SYSTEM FOR AWARDED REBATES BASED  
ON CREDIT CARD USAGE TO CREDIT CARD HOLDERS**

the specification of which: (check one) ☐ is attached hereto; ☒ was filed on December 22, 1999, as Application Serial No. 09/469,993 and is/was amended on \_\_\_\_\_ (if applicable) or ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ as amended under PCT Article 19 on \_\_\_\_\_ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby identify below, and where indicated claim foreign priority benefits, under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (if any):

## Prior Foreign/PCT Application(s)

Priority claimed

(Number)	(Country)	Day/month/year filed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	Day/month/year filed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	Day/month/year filed	<input type="checkbox"/> Yes	<input type="checkbox"/> No



I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below (if any):

60/113,286  
Provisional Application Number

December 22, 1998  
Filing Date

Provisional Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing date)	(patent, pending, abandoned)
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(Application Serial No.)	(Filing date)	(patent, pending, abandoned)
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(Application Serial No.)	(Filing date)	(patent, pending, abandoned)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint the following practitioner(s): **Randy Lipsitz, Reg. No. 29,189; Philip A. Gilman, Reg. No. 38,160; Richard L. Moss, Reg. No. 39,782; John C. Garces, Reg. No. 40,616; Peter A. Abruzzese, Reg. No. 26,437; Nicholas L. Coch, Reg. No. 20,065; Donald L. Rhoads, Reg. No. 34,705; Chris Kolefas, Reg. No. 35,226; Vito J. Debari, Reg. No. 36,496; Jonathan S. Caplan, Reg. No. 38,094, and Albert B Chen; Reg. No. 41,667** whose correspondence address is:

**Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, New York 10022**

**Direct telephone calls to Kramer Levin Naftalis & Frankel LLP:  
(212) 715-9100**

as my attorneys with full powers of substitution and revocation, and to receive the patent and to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Please direct all correspondence regarding this application to:

Randy Lipsitz, Esq.  
Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, New York 10022  
Phone: (212) 715-9100  
Fax: (212) 715-8000

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor: **Sheryl BEHAR**

Inventor's signature: Sheryl Behar Date: 6/22/00

Residence: 1429 Stevenson Road, Hewlett, New York 11557

Citizenship: United States

Post Office Address: 1429 Stevenson Road, Hewlett, New York 11557

Full name of second joint inventor: **Carol LEWBELL-GRAY**

Inventor's signature: Non-signing inventor - see added page Date: \_\_\_\_\_

Residence: 300 East 74th Street, New York, NY 10021

Citizenship: United States

Post Office Address: 300 East 74th Street, New York, NY 10021

Full name of additional joint inventor: **Cheryl CUNHA**

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 114-78 226th Street, Cambria Heights, New York 11411

Citizenship: Guyana, West Indies

Post Office Address: 114-78 226th Street, Cambria Heights, New York 11411

Full name of additional joint inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of additional joint inventor: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Sheets containing additional joint inventors (check one) ☐ are, ☒ are not attached hereto.

Please direct all correspondence regarding this application to:

Randy Lipsitz, Esq.  
Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, New York 10022  
Phone: (212) 715-9100  
Fax: (212) 715-8000

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor: Sheryl BEHAR  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 1429 Stevenson Road, Hewlett, New York 11557  
Citizenship: United States  
Post Office Address: 1429 Stevenson Road, Hewlett, New York 11557

Full name of second joint inventor: Carol LEWBELL-GRAY  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 300 East 74th Street, New York, NY 10021  
Citizenship: United States  
Post Office Address: 300 East 74th Street, New York, NY 10021

Full name of additional joint inventor: Cheryl CUNHA  
Inventor's signature: [Signature] Date: 6/6/00  
Residence: 114-78-236th Street, Cambria Heights, New York 11411  
Citizenship: Guyana, West Indies  
Post Office Address: 114-78-236th Street, Cambria Heights, New York 11411

118-19  
231ST STREET  
Full name of additional joint inventor: \_\_\_\_\_  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Full name of additional joint inventor: \_\_\_\_\_  
Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: \_\_\_\_\_  
Citizenship: \_\_\_\_\_  
Post Office Address: \_\_\_\_\_

Sheets containing additional joint inventors (check one) ☐ are, ☒ are not attached hereto.

**ADDED PAGE TO DECLARATION, POWER OF ATTORNEY AND PETITION  
CONTAINING**

**SIGNATURE BY JOINT INVENTOR ON BEHALF OF NONSIGNING  
INVENTOR WHO REFUSES TO SIGN  
(37 C.F.R. section 1.47(a))**

- I. I am an above named joint inventor and have signed this declaration on my own behalf and also hereby sign this declaration under 37 C.F.R. section 1.47(a) on behalf of the nonsigning joint inventor, particulars for whom are:

Carol LEWBELL-GRAY, nonsigning inventor who refuses to sign.

*Country of Citizenship of nonsigning inventor:* United States  
*Last known address of nonsigning inventor:* 300 East 74th Street  
New York, NY 10021

- II. Accompanying this declaration is:

- (1) A DECLARATION AND STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR.
- (2) THE PETITION FEE OF \$130.00 (37 C.F.R. section 1.17(i)).

7/11/00  
Date

Sheryl Behar  
Sheryl Behar

SHERYL BEHAR, VP  
Quality Director  
Citibank  
1 Court Square/29th Fl.  
Long Island City, NY 11120  
(718) 248-5400



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 7

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
919 THIRD AVENUE  
NEW YORK, NY 10022

**COPY MAILED**

APR 23 2001

OFFICE OF PETITIONS  
A/C PATENTS

ON PETITION

In re Application of :  
Sheryl Behar et al. :  
Application No. 09/469,993 :  
Filed: December 22, 1999 :  
Attorney Docket No. 03184/06 :

This is in response to the Request for Reconsideration of Petition under 37 CFR 1.47(a), filed March 22, 2001.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the Declaration submitted on July 11, 2000 is unacceptable since the applicants indicated in the petitions filed on July 11, 2000 and March 22, 2001 that the last known address of the non-signing inventor is "300 East 74th Street, New York, NY 10021" whereas the declaration sets forth a different address. Therefore,

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the declaration<sup>1</sup> should set forth the last known address of the non-signing inventor in compliance with 37 CFR 1.63 and 1.64.

**In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to consider submitting the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Wan Laymon.**


Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries related to this decision should be directed to Wan Laymon at (703) 306-5685.

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup>See also 37 CFR 1.76.